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Legal Dept-
G. BRANCH

Subject:— Opinions on the

Indian Evidence Act-

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C O N T E N T S.

Legal Department File No. O. Evidence/1952.

Sr.No.	R.I./O.No.	Subject	Pages
		Opinions on the Indian Evidence Act.	
1	G-148 2-4-52.	Question whether there is a possibaity of a suit against the surety Shri Joshi succeeding in the absence of the surety Bond of secondary evidence.	1-6
2	G-290 30-6-52.	Indian Evidence Act, secs. 125 and 124 ----- Question whehter a Rationing Inspector is required to disclose the informent's name.	7-12

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Section 64 of the Indian Evidence Act provides that documents must be proved by primary evidence except in the cases mentioned in the subsequent section. Under section 65(c) of the said Act, secondary evidence may be given of the existence, conditions and contents of a document when the original has been destroyed or lost. In this case the entries in the Security Registers, the sureties letter at slip 'P' and the evidence regarding the Form in which such bond is generally executed, all these things are likely to be considered by the Court as sufficient evidence for establishing the existence and the contents of security Bond passed by Shri Joshi. There is therefore, a likelihood of a suit against the surety, succeeding.

Id/- .....
2/4

Remembrancer of Legal Affairs.

U.R. to C.S.D., No. G-148, dated the 2nd April 1952.

SSD.
17.7.56. 4c.

Office of the R. L. A.

The view taken by the Controller of Rationing's Office that such communications are protected by section 124 Indian Evidence Act is not correct. That section applies to Communications from one officer to another public officer in the discharge of duty and not to communications to such officers by outsiders.

It is true that section 125 merely speaks of 'magistrate' or 'police officer' or 'revenue officer'. But it has been held in Amrita Vs. Emp I.L.R. 42 Cal. 957 at p.1027 following the English rule that it is settled law that witnesses for the crown in cirminal prosecutions undertaken by Government are privileged from disclosing the channel through which they received or communicated information. Privilege should therefore be claimed under this well settled rule. The prosecutor should have taken time to consult Government's Law Officers on this point.

Id/- .....
28/6

Remembrancer of Legal Affairs.

U.R. to C. of R., No. G- 290, dated the 30th June 1952.

SSD.
18-7-66G 4c.

SWC
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